

**MONDAY, FEBRUARY 7, 2011**

**SECOND LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Dr. Jerald Russell of Fairview United Methodist Church in Maryville, Tennessee, a guest of Senator Overbey.

**PLEDGE OF ALLEGIANCE**

Senator Overbey led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

**STANDING COMMITTEE REPORT**

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 25 with amendment.

GRESHAM, Chairperson  
February 2, 2011

The Speaker announced that he had referred Senate Bill No. 25 with amendment to the Committee on Calendar.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 87 through 351** be passed on first consideration, which motion prevailed.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 87** by Senator Ketron.

Beer -- As introduced, allows any establishment that has a permit to sell liquor or wine on premises to sell beer at any time such establishment can serve liquor or wine; changes hours for sale of beer in Tennessee River resort district to same hours as liquor by the drink. Amends TCA Title 57, Chapter 4 and Title 57, Chapter 5.

### **Senate Bill No. 88** by Senator Ketron.

Zoning -- As introduced, requires zoning boards of appeals to make findings of fact, statements of material evidence, and statements of reasons for their actions as part of each motion or action and keep a public record of their resolutions, transactions, motions, actions, and determinations. Amends TCA Section 13-7-107 and Section 13-7-205.

### **Senate Bill No. 89** by Senator Ketron.

Planning, Public -- As introduced, deletes provision allowing municipal and regional planning commissions to tentatively approve plats prior to road improvements and utility installations actually being made. Amends TCA Title 13, Chapter 3, Part 4 and Title 13, Chapter 4, Part 3.

### **Senate Bill No. 90** by Senator Ketron.

Zoning -- As introduced, authorizes counties and municipalities to establish zoning districts or provisions for planned unit developments, overlay districts, mixed use developments, condominiums, and other types of sustainable design and development of property, and procedures for review and approval of such uses. Amends TCA Section 13-7-201 and Section 13-7-101.

### **Senate Bill No. 91** by Senator Ketron.

Public Contracts -- As introduced, restores language to include geothermal heating and cooling projects on the outside of the envelope containing a bid that was erroneously left out of Public Chapter 801 of the Public Acts of 2010 which amended this section. Amends TCA Section 62-6-119.

### **Senate Bill No. 92** by Senator Crowe.

Railroads -- As introduced, prohibits the blocking of a railroad crossing by a stopped train for more than 15 minutes. Amends TCA Title 65, Chapter 11, Part 1.

### **Senate Bill No. 93** by Senator Marrero.

Credit and Debit Cards -- As introduced, imposes civil and criminal penalties against certain persons who knowingly fail to perform credit card or debit card identification checks at the point of sale. Amends TCA Title 39; Title 45 and Title 47.

### **Senate Bill No. 94** by Senator Marrero.

Consumer Protection -- As introduced, requires any gift card or prepaid card issued as payment of a rebate to contain an expiration date conspicuously printed on the card. Amends TCA Title 47, Chapter 18, Part 1.

### **Senate Bill No. 95** by Senator Tracy.

Marriage -- As introduced, adds notaries public to those who may solemnize marriages. Amends TCA Title 8, Chapter 16 and Title 36, Chapter 3.

### **Senate Bill No. 96** by Senator Tracy.

Welfare -- As introduced, prohibits persons convicted of a felony drug offense on and after July 1, 2011, from being eligible for receiving Families First benefits [TANF]. Amends TCA Title 71, Chapter 3, Part 1.

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### **Senate Bill No. 97** by Senator Tracy.

Traffic Safety -- As introduced, prohibits traffic surveillance cameras that monitor speed to be implemented after July 1, 2011; allows existing traffic surveillance cameras that monitor speed to be used until their contract expires. Amends TCA Title 5; Title 6; Title 7 and Title 55.

### **Senate Bill No. 98** by Senator Tracy.

Safety -- As introduced, removes requirement that alarm system monitoring companies perform alarm verifications prior to requesting law enforcement be dispatched to pharmacies. Amends TCA Title 62, Chapter 32, Part 3.

### **Senate Bill No. 99** by Senator Tracy.

Taxes, Inheritance Gift -- As introduced, adopts amount of federal exclusion, \$5 million, as amount of inheritance tax exemption for decedents dying in 2011 and continues at such amount for decedents dying in any year thereafter. Amends TCA Title 67, Chapter 8.

### **Senate Bill No. 100** by Senator Tracy.

Railroads -- As introduced, authorizes TDOT to employ analysts and economists in addition to other employees to perform duties related to railroad regulation. Amends TCA Title 65, Chapter 3, Part 2 and Title 67, Chapter 5.

### **Senate Bill No. 101** by Senator Norris.

Malpractice -- As introduced, provides that tort actions brought against a nursing home, home for the aged or assisted-living facility based upon the provision of health care services is a medical malpractice action and is governed by the provisions of Title 29, Chapter 26. Amends TCA Title 29, Chapter 26; Title 47, Chapter 18 and Title 68, Chapter 11.

**Senate Bill No. 102** by Senators Gresham, Summerville, Kelsey, Tracy, Campfield, Ketron, Bell, Watson, Beavers and Johnson.

Pensions and Retirement Benefits -- As introduced, changes the method of selection of trustees of TCRS representing teachers and retired teachers from election by the representative assemblies of the Tennessee Education Association and the Tennessee Retired Teachers Association respectively to appointment by the Speakers of the Senate and the House. Amends TCA Section 8-34-302 and Section 8-34-303.

### **Senate Bill No. 103** by Senator Burks.

Pensions and Retirement Benefits -- As introduced, permits retired firefighter, emergency medical or rescue worker, emergency medical technician, paramedic, state police officer, police officer, sheriff, or deputy sheriff to work no more than 200 days performing services typically performed by such employees and for which such retiree was trained to perform prior to retirement; provided that the retiree will not accrue any additional retirement credit during the retiree's temporary period of employment. Amends TCA Section 8-36-805.

### **Senate Bill No. 104** by Senator Burks.

Game and Fish Laws -- As introduced, authorizes hunting wild hogs at all times in Overton County. Amends TCA Section 70-4-116.

### **Senate Bill No. 105** by Senator Burks.

General Assembly, Studies -- As introduced, changes the reporting deadline of the Special Joint Committee to study the capping of utility rates for senior citizens from February 1, 2011, to April 1, 2011. Amends Chapter 1071 of the Public Acts of 2010.

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### **Senate Bill No. 106** by Senator Johnson.

Alcoholic Beverages -- As introduced, allows Franklin Theatre to sell alcoholic beverages for consumption on premises. Amends TCA Section 57-4-102.

### **Senate Bill No. 107** by Senator Johnson.

Unemployment Compensation -- As introduced, revises provisions governing eligibility for unemployment compensation for certain persons who provide certain services for an educational institution or its students. Amends TCA Section 50-7-302.

### **Senate Bill No. 108** by Senator Johnson.

Income Tax -- As introduced, increases amount of income exempt from Hall Income Tax; automatically increases amount of exempt income for inflation purposes beginning in 2012 and subsequent years; caps exemption at certain amounts. Amends TCA Title 67, Chapter 2.

### **Senate Bill No. 109** by Senators Johnson and Tracy.

Tort Liability and Reform -- As introduced, limits liability of apiarists under certain circumstances. Amends TCA Title 44, Chapter 15.

### **Senate Bill No. 110** by Senator Johnson.

Physicians and Surgeons -- As introduced, exempts primary care physicians from restriction on right of an employed or contracted healthcare provider to practice upon termination or conclusion of the employment or contractual relationship. Amends TCA Section 63-1-148.

### **Senate Bill No. 111** by Senator Johnson.

Air Pollution -- As introduced, exempts new and unused motor vehicles of model years of the current calendar year and of any calendar year within two years of such calendar year from motor vehicle inspection requirements. Amends TCA Title 55, Chapter 4, Part 1 and Title 68, Chapter 201, Part 1.

### **Senate Bill No. 112** by Senator Johnson.

Drug and Alcohol Rehabilitation -- As introduced, establishes licensure process for drug and alcohol counselors; grandfathered in certain drug and alcohol counselors. Amends TCA Title 33, Chapter 10 and Title 68, Chapter 24, Part 6.

### **Senate Bill No. 113** by Senators Johnson, Gresham, Summerville, Kelsey and Ketron.

Teachers, Principals and School Personnel -- As introduced, abolishes teachers' unions ability to negotiate terms and conditions of professional service with local boards of education. Amends TCA Section 5-23-107 and Title 49.

### **Senate Bill No. 114** by Senator Campfield.

Judicial Officers -- As introduced, creates office of solicitor general to defend and prosecute cases in the interest of the state; revises duties of attorney general and reporter. Amends TCA Title 8.

### **Senate Bill No. 115** by Senator Campfield.

Newspapers and Publications -- As introduced, creates a pilot project in Knox County to allow legal notices to be posted on the Internet rather than in a newspaper. Amends TCA Title 8, Chapter 21.

### **Senate Bill No. 116** by Senator Campfield.

Education, Higher -- As introduced, requires credit for courses taken at military schools be transferable to public postsecondary educational institutions. Amends TCA Title 49, Chapter 7.

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### **Senate Bill No. 117** by Senator Campfield.

Child Custody and Support -- As introduced, creates rebuttable presumption that shared custody is in child's best interest. Amends TCA Title 36, Chapter 6, Part 1.

### **Senate Bill No. 118** by Senator Campfield.

Child Custody and Support -- As introduced, entitles either party to a visitation agreement to file a petition for an expedited hearing pursuant to the provisions governing expedited hearings for support and reduces period of time for non-compliance with an order of visitation from six months to three months. Amends TCA Title 36, Chapter 6 and Title 36, Chapter 5.

### **Senate Bill No. 119** by Senator Campfield.

Child Custody and Support -- As introduced, requires fees over \$500 collected for child support be paid by obligor and recipient of the child support payments. Amends TCA Title 36.

### **Senate Bill No. 120** by Senator Campfield.

Sunset Laws -- As introduced, creates sunrise provision for commission of Indian affairs, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 34, Part 1.

### **Senate Bill No. 121** by Senator Campfield.

Divorce, Annulment and Alimony -- As introduced, authorizes defendant in divorce case to request one automatic recusal of the judge assigned to hear the case. Amends TCA Title 17; Title 20 and Title 36, Chapter 4.

### **Senate Bill No. 122** by Senator Campfield.

Child Custody and Support -- As introduced, authorizes man who has paid child support for a child who is not his biological child to recover such child support from the biological father. Amends TCA Section 36-2-309.

### **Senate Bill No. 123** by Senator Campfield.

Child Custody and Support -- As introduced, authorizes parent or guardian who pays for supervision of child visitation to select provider of supervision services. Amends TCA Title 36, Chapter 6.

### **Senate Bill No. 124** by Senator Campfield.

Domestic Violence -- As introduced, requires a petitioner for order of protection to pay court costs and attorney fees if the petition is dismissed. Amends TCA Title 36.

### **Senate Bill No. 125** by Senator Campfield.

Domestic Relations -- As introduced, authorizes use of discovery to aid in defense of petition for protective order. Amends TCA Title 19; Title 20; Title 36, Chapter 3 and Title 40.

### **Senate Bill No. 126** by Senator Campfield.

Child Custody and Support -- As introduced, prohibits changing of custodial arrangements due to an order of protection against the custodial parent unless the child is the victim of child abuse or the effects of domestic violence. Amends TCA Title 36, Chapter 6.

### **Senate Bill No. 127** by Senator Campfield.

Judges and Chancellors -- As introduced, requires election of all judges, including appellate and supreme court judges. Amends TCA Title 17.

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### **Senate Bill No. 128** by Senator Watson.

Therapists, Physical and Occupational -- As introduced, requires the board of physical therapy to meet not less than quarterly. Amends TCA Title 63, Chapter 13.

### **Senate Bill No. 129** by Senator Campfield.

Election Laws -- As introduced, revises the requirements to become a "statewide political party" and requires voters to register as a statewide political party affiliate. Amends TCA Title 2.

### **Senate Bill No. 130** by Senator Campfield.

Election Laws -- As introduced, prohibits spending of public funds on the support or opposition of any referendum. Amends TCA Title 2.

### **Senate Bill No. 131** by Senator Campfield.

Firearms and Ammunition -- As introduced, requires notice of sales of confiscated firearms to be placed on Web site of county or municipality conducting such sale; requires such notice state that members of the public are invited to the sale. Amends TCA Section 39-17-1317.

### **Senate Bill No. 132** by Senator Campfield.

Vital Records -- As introduced, changes definitions of certificate of birth and birth certificate; requires verification documentation for issuance of birth certificates; prohibits issuance of birth certificates or disclosure of certain birth information in situations where verification documentation is not presented. Amends TCA Title 1 and Title 68.

### **Senate Bill No. 133** by Senator Campfield.

Election Laws -- As introduced, requires persons registering to vote to provide certain identification upon registering in an Election Commission office or upon voting for the first time. Amends TCA Title 2, Chapter 2.

### **Senate Bill No. 134** by Senator Ketron.

Motor Vehicles -- As introduced, extends pilot program for certain municipalities to allow golf carts on certain public roads until July 1, 2013; includes Eagleville in the pilot program. Amends TCA Title 55, Chapter 8, Part 2.

### **Senate Bill No. 135** by Senator Ketron.

Highway Signs -- As introduced, designates bridge on U.S. Highway 64 in Lincoln County as "William R. Carter Memorial Bridge".

### **Senate Bill No. 136** by Senator Ketron.

Public Employees -- As introduced, prohibits public employees from having a payroll deduction to a Political Action Committee or for dues for membership organizations that use funds for political activities. Amends TCA Title 3; Title 7 and Title 8.

### **Senate Bill No. 137** by Senator Ketron.

Criminal Offenses -- As introduced, creates felony offenses for concealing, harboring, shielding from detection, transporting, or any attempt thereof, certain persons in this state; provides that certain property utilized in committing such offenses be subject to forfeiture. Amends TCA Title 38; Title 39; Title 40; Title 41 and Title 50.

### **Senate Bill No. 138** by Senator Ketron.

Tort Liability and Reform -- As introduced, clarifies that a landowner who gives permission for use of land for recreational purposes owes no duty to the participant to give notice of hazardous conditions

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or to keep premises safe for such use except for known hazards or owner's gross negligence. Amends TCA Title 70, Chapter 7.

### **Senate Bill No. 139** by Senator Ketron.

Campaigns and Campaign Finance -- As introduced, creates Class C misdemeanor for labor organization to contribute to candidates. Amends TCA Title 2, Chapter 10.

### **Senate Bill No. 140** by Senator Watson.

Sunset Laws -- As introduced, deletes references to defunct commission of Indian affairs. Amends TCA Title 4, Chapter 29; Title 4, Chapter 34; Section 11-6-116; Section 15-2-106 and Section 68-24-701.

### **Senate Bill No. 141** by Senator Watson.

Sunset Laws -- As introduced, deletes references to defunct fireworks advisory council. Amends TCA Title 4, Chapter 29 and Section 68-104-216.

### **Senate Bill No. 142** by Senator Watson.

Sunset Laws -- As introduced, deletes references to defunct Tennessee Alzheimer's disease task force. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 2.

### **Senate Bill No. 143** by Senator Watson.

Boards and Commissions -- As introduced, repeals creating authority for Watkins Institute commission. Amends TCA Title 4, Chapter 29 and Section 49-50-701.

### **Senate Bill No. 144** by Senator Watson.

Private Protective Services -- As introduced, repeals sunset provision and creating authority for the private protective services advisory committee. Amends TCA Title 4, Chapter 29 and Section 62-35-129.

### **Senate Bill No. 145** by Senator Watson.

Sunset Laws -- As introduced, repeals the public livestock market board. Amends TCA Title 4, Chapter 29.

### **Senate Bill No. 146** by Senator Watson.

Boards and Commissions -- As introduced, makes permissive instead of mandatory the provisions for the Home Builders Association of Tennessee, Inc. submitting list of recommended persons to the governor and the governor consulting with the association about its recommendations prior to the governor making appointment to the state board for licensing contractors. Amends TCA Title 4, Chapter 29 and Section 62-6-104.

### **Senate Bill No. 147** by Senator Watson.

Sunset Laws -- As introduced, creates sunrise provision for the judicial council, June 30, 2013; revises provisions governing legislative oversight authority of council. Amends TCA Title 4, Chapter 29 and Title 16, Chapter 21, Part 1.

### **Senate Bill No. 148** by Senator Watson.

Water Authorities -- As introduced, authorizes instead of requires that governor select members of water quality control board from lists of nominees submitted by Tennessee Conservation League, county services association, Farm Bureau, TML, Tennessee Automotive Association and Tennessee Association of Business. Amends TCA Title 4, Chapter 29 and Section 69-3-104.

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### **Senate Bill No. 149** by Senator Watson.

Solid Waste Disposal -- As introduced, authorizes instead of requires that governor select members of solid waste disposal control board from lists of nominees submitted by Tennessee Manufacturers Association, public higher education institutions, Tennessee Environmental Council, county services association, Farm Bureau, TML and Tennessee Automotive Association. Amends TCA Title 4, Chapter 29 and Section 68-211-111.

### **Senate Bill No. 150** by Senator Watson.

Boards and Commissions -- As introduced, authorizes instead of requires that governor select members of the petroleum underground storage tank board from lists of nominees submitted by the Tennessee Association of Business, Tennessee Petroleum Council, Tennessee Oil Marketers Association, Tennessee Environmental Council and Tennessee Municipal League; requires governor to consult with such entities prior to making appointments. Amends TCA Title 4, Chapter 29 and Section 68-215-112.

### **Senate Bill No. 151** by Senator Watson.

Veterinarians -- As introduced, requires governor to consult with Tennessee Veterinary Medical Association, which under current law may recommend licensed doctors of veterinary medicine and licensed veterinary technicians for appointment to the board, prior to making appointments to board of veterinary medical examiners. Amends TCA Title 4, Chapter 29 and Section 63-12-104.

### **Senate Bill No. 152** by Senator Watson.

Optometry -- As introduced, clarifies that governor is authorized, but not required, to make appointments to the board of optometry from lists of nominees provided by the Tennessee Optometric Association. Amends TCA Title 4, Chapter 29 and Section 63-8-105.

### **Senate Bill No. 153** by Senator Watson.

Surveyors -- As introduced, authorizes instead of requires that the governor select members of board of land survey examiners from lists of nominees submitted by Tennessee Association of Professional Surveyors. Amends TCA Title 4, Chapter 29; Section 62-18-103 and Section 62-18-104.

### **Senate Bill No. 154** by Senator Watson.

Funeral Directors and Embalmers -- As introduced, authorizes instead of requires that governor select some members of board of funeral directors and embalmers from lists of nominees submitted by Tennessee Funeral Directors Association and Tennessee Funeral Directors and Morticians Association. Amends TCA Title 4, Chapter 29 and Section 62-5-201.

### **Senate Bill No. 155** by Senator Watson.

Boards and Commissions -- As introduced, authorizes instead of requires that governor select psychologist members of board of examiners in psychology from lists of nominees submitted by Tennessee Psychological Association, and select psychological examiner and senior psychological examiner board members from lists provided by Tennessee Association of Psychological Examiners. Amends TCA Title 4, Chapter 29 and Section 63-11-102.

### **Senate Bill No. 156** by Senator Watson.

Audiologists and Speech Pathologists -- As introduced, authorizes instead of requires that governor select the physician member of the board of communication disorders and sciences from list of nominees provided by Academy of Otolaryngology. Amends TCA Title 4, Chapter 29 and Section 63-17-104.



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### **Senate Bill No. 157** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee medical laboratory board, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29, Part 1.

### **Senate Bill No. 158** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee medical examiner advisory council, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 7, Part 2.

### **Senate Bill No. 159** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee auctioneer commission, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 19, Part 1.

### **Senate Bill No. 160** by Senator Watson.

Sunset Laws -- As introduced, extends the State Election Commission, June 30, 2016. Amends TCA Title 2, Chapter 11, Part 1 and Title 4, Chapter 29.

### **Senate Bill No. 161** by Senator Watson.

Sunset Laws -- As introduced, extends termination date for the State Board of Education to June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1, Part 3.

### **Senate Bill No. 162** by Senator Watson.

Sunset Laws -- As introduced, extends the real estate commission, June 30, 2013; requires completion of continuing education classes prior to the reactivation of temporarily retired licenses. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 13.

### **Senate Bill No. 163** by Senator Watson.

Sunset Laws -- As introduced, extends the real estate appraiser commission, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 39, Part 2.

### **Senate Bill No. 164** by Senator Watson.

Sunset Laws -- As introduced, extends the emergency medical services board, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140, Part 5.

### **Senate Bill No. 165** by Senator Watson.

Sunset Laws -- As introduced, extends termination date for the department of education to June 30, 2011. Amends TCA Title 4, Chapter 29, Part 2 and Title 4, Chapter 3, Part 8.

### **Senate Bill No. 166** by Senator Watson.

Sunset Laws -- As introduced, extends the council on children's mental health care, June 30, 2014. Amends TCA Title 4, Chapter 29, Part 2 and Title 37, Chapter 3, Part 1.

### **Senate Bill No. 167** by Senator Watson.

Sunset Laws -- As introduced, extends the council for hearing instrument specialists, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17, Part 2.

### **Senate Bill No. 168** by Senator Watson.

Sunset Laws -- As introduced, extends the committee for clinical perfusionists, June 30, 2016. Amends TCA Title 4, Chapter 29 and Section 63-28-112.

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### **Senate Bill No. 169** by Senator Watson.

Sunset Laws -- As introduced, extends the board of pharmacy, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10, Part 3.

### **Senate Bill No. 170** by Senator Watson.

Sunset Laws -- As introduced, extends the board of nursing, June 30, 2016; reduces maximum period a member may serve on the board, from 12 to eight consecutive years. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 7, Part 2.

### **Senate Bill No. 171** by Senator Watson.

Sunset Laws -- As introduced, extends the board of examiners for nursing home administrators, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 16, Part 1.

### **Senate Bill No. 172** by Senator Watson.

Sunset Laws -- As introduced, extends the board of examiners for architects and engineers, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 2, Part 2.

### **Senate Bill No. 173** by Senator Watson.

Sunset Laws -- As introduced, extends the board of dietitian/nutritionist examiners, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 25, Part 1.

### **Senate Bill No. 174** by Senator Watson.

Sunset Laws -- As introduced, extends the Alcoholic Beverage Commission, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 57, Chapter 1, Part 1.

### **Senate Bill No. 175** by Senator Watson.

Sunset Laws -- As introduced, extends the air pollution control board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201, Part 1.

### **Senate Bill No. 176** by Senator Watson.

Sunset Laws -- As introduced, extends the Four Lake regional industrial developmental authority, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 5, Part 2.

### **Senate Bill No. 177** by Senator Watson.

Lobbying, Lobbyists -- As introduced, repeals provision prohibiting persons registered as lobbyists from serving as members on certain state boards, commissions, committees and councils. Amends TCA Section 50-6-121; Section 57-1-102; Title 62; Title 63 and Title 64.

### **Senate Bill No. 178** by Senator Watson.

Sunset Laws -- As introduced, extends the department of finance and administration, June 30, 2012. Amends TCA Title 4, Chapter 3, Part 1 and Title 4, Chapter 29.

### **Senate Bill No. 179** by Senator Watson.

Interstate Compacts -- As introduced, creates sunrise provision for the interstate insurance product regulation compact. Amends TCA Title 4, Chapter 29 and Title 56, Chapter 58, Part 1.

### **Senate Bill No. 180** by Senator Watson.

Sunset Laws -- As introduced, extends energy efficient schools council, June 30, 2012. Amends TCA Title 4, Chapter 29 and Section 49-17-103.

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### **Senate Bill No. 181** by Senator Watson.

Sunset Laws -- As introduced, reduces termination date for board of dispensing opticians, from June 30, 2015 to June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 14, Part 1.

### **Senate Bill No. 182** by Senator Watson.

Sunset Laws -- As introduced, revises termination date for board of physical therapy from June 30, 2014 to June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 13, Part 3.

### **Senate Bill No. 183** by Senator Watson.

Sunset Laws -- As introduced, revises termination date for board of athletic trainers from June 30, 2016 to June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 24, Part 1.

### **Senate Bill No. 184** by Senator Watson.

Dentists and Dentistry -- As introduced, requires the governor to consult with the Tennessee Dental Association prior to making appointments to the board of dentistry. Amends TCA Title 4, Chapter 29 and Section 63-5-103.

### **Senate Bill No. 185** by Senator Watson.

Sunset Laws -- As introduced, extends the wildlife resources commission, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 70, Chapter 1, Part 2.

### **Senate Bill No. 186** by Senator Watson.

Sunset Laws -- As introduced, extends the West Fork Drakes Creek dam and reservoir interstate authority, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1, Part 9.

### **Senate Bill No. 187** by Senator Watson.

Sunset Laws -- As introduced, extends the water and wastewater operators, board of certification, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 221, Part 9.

### **Senate Bill No. 188** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee wars commission, June 30, 2016. Amends TCA Title 4, Chapter 11, Part 1 and Title 4, Chapter 29.

### **Senate Bill No. 189** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee motor vehicle commission, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 55, Chapter 17, Part 1.

### **Senate Bill No. 190** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee health information committee, June 30, 2015. Amends TCA Title 4, Chapter 29 and Section 56-2-125.

### **Senate Bill No. 191** by Senator Watson.

Sunset Laws -- As introduced, extends the cemetery advisory board, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 46, Chapter 1, Part 3.

### **Senate Bill No. 192** by Senator Watson.

Sunset Laws -- As introduced, extends the civil service commission, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 8, Chapter 30, Part 1.

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### **Senate Bill No. 193** by Senator Watson.

Sunset Laws -- As introduced, extends the commission on aging, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 2, Part 1.

### **Senate Bill No. 194** by Senator Watson.

Sunset Laws -- As introduced, extends the commission on children and youth, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 3, Part 1.

### **Senate Bill No. 195** by Senator Watson.

Sunset Laws -- As introduced, extends the committee for purchase from the blind and other severely disabled, June 30, 2017. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 4, Part 7.

### **Senate Bill No. 196** by Senator Watson.

Sunset Laws -- As introduced, extends conservation commission, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 2, Part 1.

### **Senate Bill No. 197** by Senator Watson.

Sunset Laws -- As introduced, extends the archaeological advisory council, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 6, Part 1.

### **Senate Bill No. 198** by Senator Watson.

Sunset Laws -- As introduced, extends the board of boiler rules, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 122, Part 1.

### **Senate Bill No. 199** by Senator Watson.

Sunset Laws -- As introduced, extends the board of medical examiners, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6, Part 1.

### **Senate Bill No. 200** by Senator Watson.

Sunset Laws -- As introduced, extends the board of respiratory care, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 27, Part 1.

### **Senate Bill No. 201** by Senator Watson.

Sunset Laws -- As introduced, extends the bureau of ethics and campaign finance, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 55, Part 1.

### **Senate Bill No. 202** by Senator Watson.

Sunset Laws -- As introduced, extends the interstate compact on the placement of children, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 4, Part 2.

### **Senate Bill No. 203** by Senator Watson.

Sunset Laws -- As introduced, extends the human rights commission, June 30, 2012. Amends TCA Title 4, Chapter 21, Part 2 and Title 4, Chapter 29.

### **Senate Bill No. 204** by Senator Watson.

Sunset Laws -- As introduced, extends the elevator and amusement device safety board, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 121, Part 1.

### **Senate Bill No. 205** by Senator Watson.

Sunset Laws -- As introduced, extends the Douglas Henry State Museum Commission, June 30, 2012. Amends TCA Title 4, Chapter 20, Part 3 and Title 4, Chapter 29.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 206** by Senator Watson.

Sunset Laws -- As introduced, extends the department of transportation, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3, Part 1.

### **Senate Bill No. 207** by Senator Watson.

Sunset Laws -- As introduced, extends the department of safety, June 30, 2016. Amends TCA Title 4, Chapter 29; Title 4, Chapter 3, Part 1 and Title 4, Chapter 3, Part 20.

### **Senate Bill No. 208** by Senator Watson.

Sunset Laws -- As introduced, extends the department of labor and workforce development, June 30, 2015. Amends TCA Title 4, Chapter 29; Title 4, Chapter 3, Part 1 and Title 4, Chapter 3, Part 14.

### **Senate Bill No. 209** by Senator Watson.

Sunset Laws -- As introduced, extends the department of human resources, June 30, 2012. Amends TCA Title 4, Chapter 3, Part 1 and Title 4, Chapter 29.

### **Senate Bill No. 210** by Senator Watson.

Sunset Laws -- As introduced, extends the prevailing wage commission, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 12, Chapter 4, Part 4.

### **Senate Bill No. 211** by Senator Watson.

Sunset Laws -- As introduced, extends the oil and gas board, June 30, 2016; revises appointment process of membership of oil and gas board. Amends TCA Title 4, Chapter 29 and Title 60, Chapter 1, Part 2.

### **Senate Bill No. 212** by Senator Watson.

Sunset Laws -- As introduced, extends the occupational safety and health review commission, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 3, Part 8.

### **Senate Bill No. 213** by Senator Watson.

Sunset Laws -- As introduced, extends the occupational safety and health administration labor advisory council, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 3, Part 9.

### **Senate Bill No. 214** by Senator Watson.

Sunset Laws -- As introduced, extends the medical care and cost containment committee, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 6, Part 1.

### **Senate Bill No. 215** by Senator Watson.

Sunset Laws -- As introduced, extends the regional transportation authority, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 8, Part 1.

### **Senate Bill No. 216** by Senator Watson.

Sunset Laws -- As introduced, extends the soil scientist advisory committee, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 18, Part 2.

### **Senate Bill No. 217** by Senator Watson.

Sunset Laws -- As introduced, extends the southeast interstate low-level radioactive waste compact, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 202, Part 7.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 218** by Senator Watson.

Sunset Laws -- As introduced, extends the southern dairy compact commission, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 35, Part 1.

### **Senate Bill No. 219** by Senator Watson.

Sunset Laws -- As introduced, extends the standards committee, department of children's services, June 30, 2017. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 5, Part 5.

### **Senate Bill No. 220** by Senator Watson.

Sunset Laws -- As introduced, extends the standards committee, department of human services, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 3, Part 5.

### **Senate Bill No. 221** by Senator Watson.

Sunset Laws -- As introduced, extends the state soil conservation committee, June 30, 2016. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 14, Part 2.

### **Senate Bill No. 222** by Senator Watson.

Sunset Laws -- As introduced, extends the state unemployment compensation advisory council, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 50, Chapter 7, Part 6.

### **Senate Bill No. 223** by Senator Watson.

Sunset Laws -- As introduced, extends the state TennCare pharmacy advisory committee, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5, Part 24.

### **Senate Bill No. 224** by Senator Watson.

Sunset Laws -- As introduced, extends the teacher evaluation advisory committee, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1, Part 3.

### **Senate Bill No. 225** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee board of court reporting, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 20, Chapter 9, Part 6.

### **Senate Bill No. 226** by Senator Watson.

Sunset Laws -- As introduced, extends the Tennessee criminal justice coordinating council, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 52, Part 1.

### **Senate Bill No. 227** by Senator Watson.

Administrative Procedure (UAPA) -- As introduced, removes authority of the Government Operations Committees to stay the running of the period between the time a rule is filed with the secretary of state and the rule's effective date. Amends TCA Title 4, Chapter 5.

### **Senate Bill No. 228** by Senator Watson.

Administrative Procedure (UAPA) -- As introduced, revises from 60 to 75 days the time the Government Operations Committees can stay the running of a permanent rule's effective date. Amends TCA Title 4, Chapter 5.

### **Senate Bill No. 229** by Senator Watson.

Administrative Procedure (UAPA) -- As introduced, continues certain permanent rules filed with secretary of state after January 1, 2010.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 230** by Senator Watson.

Governor -- As introduced, requires governor to submit legislation to revise TCA to reflect changes in governmental structure made by executive order. Amends TCA Title 4.

### **Senate Bill No. 231** by Senator Watson.

Administrative Procedure (UAPA) -- As introduced, requires each state agency head to complete periodic training for purposes of complying with the provisions of the Regulatory Flexibility Act. Amends TCA Title 4, Chapter 5.

### **Senate Bill No. 232** by Senator Watson.

State Government -- As introduced, requires Joint Evaluation Committees to meet at least quarterly. Amends TCA Title 4, Chapter 29.

### **Senate Bill No. 233** by Senator Watson.

Administrative Procedure (UAPA) -- As introduced, increases from five to 10 the number of persons required to petition agency for adoption or repeal of regulation. Amends TCA Title 4.

### **Senate Bill No. 234** by Senator Watson.

Correction, Dept. of -- As introduced, requires commissioner to report the death of any person in custody to the members of the general assembly representing such person within five business days of such death rather than 10 days, with additional requirement that the report include the department facility where the death occurred. Amends TCA Title 4.

### **Senate Bill No. 235** by Senator Watson.

Liens -- As introduced, requires comptroller to conduct a performance audit of the implementation and impact of current law authorizing the creation of a lien on a motor vehicle by filing a notarized copy of an instrument when the existing certificate of title on the vehicle is unavailable. Amends TCA Section 55-3-126.

### **Senate Bill No. 236** by Senator Watson.

Administrative Procedure (UAPA) -- As introduced, prohibits an agency that has filed an emergency rule from filing a proposed rule on the same subject without first holding a public rulemaking hearing. Amends TCA Section 4-5-202.

### **Senate Bill No. 237** by Senator Watson.

Boards and Commissions -- As introduced, prohibits persons registered as lobbyists from serving as members of state boards, commissions or other governmental entities whose activities are regulated by such entities; requires members to be state residents; prohibits public members from having a direct or indirect affiliation with professions and industries being overseen or regulated. Amends TCA Title 4, Chapter 29, Part 1.

### **Senate Bill No. 238** by Senator Kelsey.

Tort Liability and Reform -- As introduced, enacts the "Jobs Creation Lawsuit Reform Act". Amends TCA Title 20; Title 28; Title 29; Title 47, Chapter 18 and Title 63, Chapter 6.

### **Senate Bill No. 239** by Senator Norris.

Special License Plates -- As introduced, creates new specialty license plate for Historic Collierville; funds from the sale of the plates to be allocated to Main Street Collierville. Amends TCA Title 55, Chapter 4.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 240** by Senator Watson.

Sunset Laws -- As introduced, terminates the board of review, department of labor and workforce development. Amends TCA Title 4, Chapter 29; Section 4-5-319 and Section 50-7-704.

### **Senate Bill No. 241** by Senator Gresham.

Law Enforcement -- As introduced, authorizes capitol police who have completed certain law enforcement training to have law enforcement powers throughout the state; authorizes capitol police to be employed as a security guard/officer for a private business licensed by the state. Amends TCA Title 4, Chapter 3, Part 20; Title 38 and Title 62, Chapter 35, Part 1.

### **Senate Bill No. 242** by Senator Southerland.

Hamblen County -- As introduced, subject to local approval, repeals the Hamblen County special endowment fund. Repeals Chapter 106 of the Private Acts of 2006.

### **Senate Bill No. 243** by Senator Southerland.

Food and Food Products -- As introduced, requires the Department of Agriculture to create standards for honey. Amends TCA Title 43; Title 44, Chapter 15, Part 1 and Title 47, Chapter 18.

### **Senate Bill No. 244** by Senator Marrero.

Hazardous Materials -- As introduced, beginning July 1, 2013, prohibits manufacture, sale, offer for sale or distribution in Tennessee of children's products that contain cadmium at more than .004 percent by weight. Amends TCA Title 39; Title 47, Chapter 18 and Title 68.

### **Senate Bill No. 245** by Senator Marrero.

Nuclear Materials, Transportation and Safety -- As introduced, substitutes the state's definitions for federal law concerning low-level radioactive waste to prevent by-product material, source material and special nuclear material from being placed in landfills. Amends TCA Title 68.

### **Senate Bill No. 246** by Senator Marrero.

Food and Food Products -- As introduced, prohibits sale of baby food and infant formula in containers containing bisphenol A and sale of all food and beverages in reusable containers containing bisphenol A beginning January 1, 2012. Amends TCA Title 47, Chapter 18; Title 53 and Title 68.

### **Senate Bill No. 247** by Senator Johnson.

Tennessee Regulatory Authority -- As introduced, requires an association or corporation not organized or doing business for profit which provides water or sewer or both water and sewer for a residential development of single-family homes to be regulated by the TRA. Amends TCA Title 65, Chapter 4.

### **Senate Bill No. 248** by Senator Johnson.

Utilities, Utility Districts -- As introduced, establishes circumstances in which a nonutility may be regulated by the Tennessee Regulatory Authority following a sale or lease to the nonutility by a public utility. Amends TCA Title 65, Chapter 4.

### **Senate Bill No. 249** by Senator Johnson.

Tort Liability and Reform -- As introduced, enacts certain tort reforms. Amends TCA Title 20; Title 24; Title 29; Title 47 and Title 63.



## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 250** by Senator Johnson.

Tort Liability and Reform -- As introduced, enacts certain tort reforms. Amends TCA Title 20; Title 22; Title 29 and Title 63.

### **Senate Bill No. 251** by Senator Marrero.

Controlled Substances -- As introduced, enacts the "Safe Access to Medical Cannabis Act". Amends TCA Title 39; Title 63 and Title 68.

### **Senate Bill No. 252** by Senator Woodson.

Local Education Agencies -- As introduced, allows LEAs to convert to a new form of school district to be known as an innovative school district.

### **Senate Bill No. 253** by Senator Gresham.

Highway Signs -- As introduced, designates bridge between city of Grand Junction and town of LaGrange as "Dr. N.H. Edwards Bridge".

### **Senate Bill No. 254** by Senator Tracy.

Criminal Offenses -- As introduced, provides that venue and territorial jurisdiction for the offense of identity theft may be where the victim resides or is located. Amends TCA Title 38; Title 39 and Title 40.

### **Senate Bill No. 255** by Senator Marrero.

Nuclear Materials, Transportation and Safety -- As introduced, requires any permit issued by the Department of Environment and Conservation to specify the types of waste a facility is prohibited from receiving for disposal or processing; prohibits any person from knowingly accepting for disposal or processing certain nuclear or radioactive materials in any landfill. Amends TCA Title 68.

### **Senate Bill No. 256** by Mr. Speaker Ramsey.

General Assembly -- As introduced, requires TBI to conduct background investigations for persons appointed by the Speaker of the Senate or the Speaker of the House. Amends TCA Title 38, Chapter 6.

### **Senate Bill No. 257** by Mr. Speaker Ramsey.

DNA and Genetic Testing -- As introduced, requires all persons arrested on or after January 1, 2012, for the commission of any felony to have a biological specimen taken for the purpose of DNA analysis. Amends TCA Title 40, Chapter 35, Part 3.

### **Senate Bill No. 258** by Mr. Speaker Ramsey.

Sullivan County -- As introduced, subject to local approval, repeals requirement that satellite offices for the register of deeds be maintained outside the county seat.

### **Senate Bill No. 259** by Mr. Speaker Ramsey.

Highway Signs -- As introduced, "SPC Michael E. Harr Memorial Bridge", State Route 126 in Sullivan County.

### **Senate Bill No. 260** by Mr. Speaker Ramsey.

Tennessee Bureau of Investigation -- As introduced, directs TBI to create policy and uniform procedures authorizing familial DNA searches in certain criminal investigations by January 1, 2012. Amends TCA Title 38.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 261** by Mr. Speaker Ramsey.

Taxes, Exemption and Credits -- As introduced, increases the Hall income tax exemption for taxpayers 65 years of age or older to \$26,200 for single filers and \$37,000 for persons filing jointly beginning January 1, 2012. Amends TCA Title 67, Chapter 2.

### **Senate Bill No. 262** by Senator Tracy.

Professions and Occupations -- As introduced, authorizes sale of specified scrap metal with required documentation. Amends TCA Title 62, Chapter 9.

### **Senate Bill No. 263** by Senator Tracy.

Taxes, Inheritance Gift -- As introduced, increases amount of inheritance tax exemption from current \$1 million to \$2 million for decedents dying in 2011 or later. Amends TCA Title 67, Chapter 8.

### **Senate Bill No. 264** by Senator Tracy.

Professions and Occupations -- As introduced, exempts employees of state colleges and universities who provide locksmithing services at facilities operated by the board of trustees of the University of Tennessee or the state board of regents from locksmith licensure requirements. Amends TCA Title 49 and Title 62, Chapter 11, Part 1.

### **Senate Bill No. 265** by Senator Tracy.

Highway Signs -- As introduced, names a portion of I-75 the Tuskegee Airmen Memorial Trail.

### **Senate Bill No. 266** by Senator Tracy.

Motor Vehicles, Titling and Registration -- As introduced, requires notice be given to Department of Revenue when title to a motor vehicle is transferred; relieves responsibility of seller of a motor vehicle for actions taken by purchasers of such motor vehicle. Amends TCA Title 55, Chapter 3.

### **Senate Bill No. 267** by Senator Tracy.

Taxes, Sales -- As introduced, creates sales and use tax exemption for purchase of building supplies for construction of storm or tornado shelters purchased between July 1, 2011, and December 31, 2011. Amends TCA Title 67, Chapter 6.

### **Senate Bill No. 268** by Senator Berke.

Highway Signs -- As introduced, provides for erection of directional signs for Children's Holocaust Memorial at Whitwell Middle School on Interstate 24 in Marion County.

### **Senate Bill No. 269** by Senator Berke.

Water Resources -- As introduced, enacts the "Drinking Water Access and Resources Planning Act". Amends TCA Title 68, Chapter 221.

### **Senate Bill No. 270** by Senator Berke.

Consumer Protection -- As introduced, creates a rebuttable presumption that price-gouging has been committed in certain situations. Amends TCA Title 47, Chapter 18, Part 51.

### **Senate Bill No. 271** by Senator Berke.

Lottery, Scholarships and Programs -- As introduced, creates new lottery scholarship programs for students preparing to become teachers; requires THEC, TBR, and UT to assist colleges in establishing joint teacher preparation programs with nonprofit organizations and LEAs to meet the requirements of one of the scholarships. Amends TCA Title 49.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 272** by Senator Berke.

Campaigns and Campaign Finance -- As introduced, requires corporations to file statement of contributions and expenditures when using corporate funds to aid in either the election or defeat of a candidate; requires corporation to disclose such corporation paid for public communication when it expressly advocates the election or defeat of a clearly identified candidate. Amends TCA Title 2, Chapter 10 and Title 2, Chapter 19.

### **Senate Bill No. 273** by Senator Berke.

Tennessee Regulatory Authority -- As introduced, mandates the means by which TRA is required to determine whether or not a public utility's increase to an existing rate, joint rate, toll, fare, charge, schedule or classification is just and reasonable. Amends TCA Title 65.

### **Senate Bill No. 274** by Senator Berke.

Education -- As introduced, requires LEAs to report each fiscal year the percentage of expenditures made on classroom expenditures district-wide and by school; requires classroom expenditures to be at least 70 percent of the total operating expenditures both district-wide and by school by fiscal year 2015-2016 and to reach at least 90 percent by fiscal year 2019-2020. Amends TCA Title 49, Chapter 3, Part 3.

### **Senate Bill No. 275** by Senator Berke.

Consumer Protection -- As introduced, requires gift certificates with a monetary value of less than \$10.00 to be redeemable in cash for cash value. Amends TCA Title 47, Chapter 18.

### **Senate Bill No. 276** by Senator Berke.

Hazardous Materials -- As introduced, prohibits certain waste processors from processing radioactive waste. Amends TCA Title 68, Chapter 202, Part 1.

### **Senate Bill No. 277** by Senator Berke.

Energy -- As introduced, replaces references to the "office of energy management" with references to the "state building management program". Amends TCA Title 4, Chapter 3; Title 8, Chapter 4, Part 1 and Title 12, Chapter 3.

### **Senate Bill No. 278** by Senator Berke.

Civil Procedure -- As introduced, requires the party who filed a petition to remove a case to federal court to pay all costs of the removal if the petition is granted. Amends TCA Title 8 and Title 20, Chapter 12.

### **Senate Bill No. 279** by Senator Berke.

Education, Curriculum -- As introduced, requires the State Board of Education to develop a green jobs vocational and technical education program. Amends TCA Title 49.

### **Senate Bill No. 280** by Senator Watson.

Boards and Commissions -- As introduced, authorizes and encourages health-related and regulatory boards to notify licensees within 30 days of a complaint being filed against them. Amends TCA Title 62 and Title 63.

### **Senate Bill No. 281** by Senator Bell.

Courts, Supreme Court of Tennessee -- As introduced, requires justices of the supreme court to be chosen by nonpartisan elections. Amends TCA Title 2; Title 16 and Title 17.

## MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY

### **Senate Bill No. 282** by Senator Bell.

Judges and Chancellors -- As introduced, revises membership of court of the judiciary. Amends TCA Section 17-5-201.

### **Senate Bill No. 283** by Senator Bell.

Special License Plates -- As introduced, creates new specialty license plate for SpiritHorse Therapeutic Riding; allocates funds from the sale of the plates to allow children with special needs to work with horses. Amends TCA Title 55, Chapter 4.

### **Senate Bill No. 284** by Senator Bell.

Judges and Chancellors -- As introduced, requires appellate judges be retained by 75 percent of persons voting rather than by a majority of voters. Amends TCA Title 17, Chapter 4, Part 1.

### **Senate Bill No. 285** by Senator Bell.

Child Custody and Support -- As introduced, entitles either party to a visitation agreement to file a petition for an expedited hearing pursuant to the provisions governing expedited hearings for support and reduces period of time for non-compliance with an order of visitation from six months to three months. Amends TCA Title 36, Chapter 5 and Title 36, Chapter 6.

### **Senate Bill No. 286** by Senator Bell.

Child Custody and Support -- As introduced, enacts the "Equal and Fair Parenting Act", to create a rebuttable presumption that equally shared parenting is the custody arrangement in the best interest of a child. Amends TCA Title 36, Chapter 6, Part 1.

### **Senate Bill No. 287** by Senator Bell.

Adoption -- As introduced, requires notice be given to a parent before the parent is considered to have willfully failed to support or visit a child for purposes of termination of parental rights. Amends TCA Title 36, Chapter 1.

### **Senate Bill No. 288** by Senator Bell.

Motor Vehicles -- As introduced, requires notice be given to the registered owner of an abandoned or unattended motor vehicle within three business days after receiving verification of ownership or within 30 days of taking the vehicle into custody, whichever is earlier. Amends TCA Title 55, Chapter 16.

### **Senate Bill No. 289** by Senator Bell.

Election Laws -- As introduced, clarifies and adds to the duties of county administrators of elections. Amends TCA Title 2, Chapter 12.

### **Senate Bill No. 290** by Senator Bell.

Economic and Community Development -- As introduced, prohibits the consideration of specified acts of local governments in economic and community development evaluations. Amends TCA Title 4, Chapter 3, Part 7 and Section 68-120-101.

### **Senate Bill No. 291** by Senator Bell.

Public Contracts -- As introduced, authorizes county governments to adopt local preference purchasing policies. Amends TCA Title 12, Chapter 3.

### **Senate Bill No. 292** by Senator Bell.

Motor Vehicles -- As introduced, adds Englewood to municipalities which permit golf carts on certain highways; extends termination date of pilot project to July 1, 2013. Amends TCA Section 55-8-201.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 293** by Senator Bell.

Emergency Communications Districts -- As introduced, prohibits the transfer to the general fund of interest derived from the 911 emergency communications fund as well as the fund itself. Amends TCA Section 4-3-1016 and Title 7, Chapter 86, Part 3.

### **Senate Bill No. 294** by Senator Gresham.

Local Education Agencies -- As introduced, prohibits LEAs from denying equal access to LEA employees to all domestic professional employees' organizations offering membership to all certificated personnel. Amends TCA Title 49, Chapter 2.

### **Senate Bill No. 295** by Senator Tate.

Consumer Protection -- As introduced, provides buyers involved in home solicitation sales with additional cancellation rights; establishes additional notice requirements for sellers; allocates the cost of any notary witnessing the signatures to sellers. Amends TCA Title 47, Chapter 18, Part 7.

### **Senate Bill No. 296** by Senator Tate.

Criminal Offenses -- As introduced, creates two new Class C misdemeanor offenses, punishable only by fine of \$50.00, if either a legal guardian expressly permits their child to participate in any solicitation or collection event at a highway or street intersection, or the organizer of the collection event expressly permits the child's participation. Amends TCA Title 39, Chapter 17 and Title 68.

### **Senate Bill No. 297** by Senator Tate.

DUI Offenses -- As introduced, increases the application fee for a restricted license, after having a driver license suspended based on a failure by a driver to submit to tests determining blood alcohol content, from \$20.00 to \$50.00; increases the fine for both the offense and the delinquent act of underage driving while impaired from \$250 to \$500. Amends TCA Title 39; Title 40; Title 41 and Title 55.

### **Senate Bill No. 298** by Senator Ketron.

Game and Fish Laws -- As introduced, exempts persons with certain weapons training from the hunter education course required before being able to hunt. Amends TCA Title 70, Chapter 2, Part 1.

### **Senate Bill No. 299** by Senator Ketron.

Drugs, Over the Counter -- As introduced, adds roach clips, rose and pen combinations, cocaine spoons, certain tobacco products, and other items to list of items that are considered drug paraphernalia. Amends TCA Title 39, Chapter 17.

### **Senate Bill No. 300** by Senator Ketron.

Tobacco, Tobacco Products -- As introduced, prohibits sales of certain tobacco products by certain persons and businesses; prohibits sales of certain tobacco products and drug paraphernalia near schools, churches, and other locations. Amends TCA Title 39; Title 47 and Title 67.

### **Senate Bill No. 301** by Senator Ketron.

Alcoholic Beverages -- As introduced, allows Blue Porch Bed and Breakfast to sell alcoholic beverages for consumption on premises. Amends TCA Section 57-4-102 and Section 57-4-101.

### **Senate Bill No. 302** by Senator Ketron.

Animal Control -- As introduced, creates a Class C misdemeanor offense for owners of certain animals that do not obtain a certificate of completion for an educational course administered by the Department of Agriculture. Amends TCA Title 39 and Title 44.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 303** by Senator Southerland.

Securities -- As introduced, directs the Commissioner of Commerce and Insurance to report to the general assembly on the availability for sale in Tennessee of certain Canadian stocks. Amends TCA Title 48, Chapter 2, Part 1.

### **Senate Bill No. 304** by Senator Southerland.

Fines and Penalties -- As introduced, authorizes courts to order payment of restitution in addition to, rather than in lieu of, \$50.00 fine for riding an OHV on another's land without permission. Amends TCA Title 11; Title 39; Title 55; Title 68 and Title 70, Chapter 9.

### **Senate Bill No. 305** by Senator Southerland.

Environment and Conservation, Dept. of -- As introduced, transfers jurisdiction of Off-Highway Vehicle Act from wildlife resources agency to Department of Environment and Conservation. Amends TCA Title 11; Title 68 and Title 70.

### **Senate Bill No. 306** by Senator Southerland.

Handgun Permits -- As introduced, exempts handgun carry permit holders from criminal background check requirement when purchasing a firearm. Amends TCA Title 39.

### **Senate Bill No. 307** by Senator Southerland.

Game and Fish Laws -- As introduced, deletes wild hog from definition of "big game" and removes permitting requirements for hunting wild boars and wild hogs. Amends TCA Title 70.

### **Senate Bill No. 308** by Senator Southerland.

Holidays and Days of Special Observance -- As introduced, requires the governor to proclaim the second Friday in October of each year as Arbor Day. Amends TCA Title 15.

### **Senate Bill No. 309** by Senator Gresham.

Education, Dept. of -- As introduced, authorizes department to request assistance, regarding matters related to the Volunteer Public Education Trust Fund Act, from any state-licensed classroom instructor instead of the Tennessee Education Association in general. Amends TCA Section 49-3-404.

### **Senate Bill No. 310** by Senator Gresham.

Forests and Forest Products -- As introduced, prohibits clear cutting in state forests; applies to all contracts and leases entered into on and after date this bill becomes law. Amends TCA Title 11 and Title 69, Chapter 3, Part 1.

### **Senate Bill No. 311** by Senator Gresham.

Education -- As introduced, replaces the Tennessee Education Association's recommendations with any state-licensed classroom instructor for consideration by Speaker of the House for appointment on the Tennessee financial literacy commission's board of directors. Amends TCA Title 49, Chapter 7, Part 31.

### **Senate Bill No. 312** by Senator Kelsey.

Criminal Procedure -- As introduced, revises the castle doctrine to protect a person from criminal as well as civil liability in the use of force which is justified; directs the Commissioner of Commerce and Insurance to determine whether there are impediments inhibiting insurance companies from underwriting coverage for such events. Amends TCA Section 39-11-622 and Title 56.

**MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

**Senate Bill No. 313** by Senator Marrero.

Vital Records -- As introduced, provides for amendment of birth certificate to reflect a change in gender. Amends TCA Section 68-3-203.

**Senate Bill No. 314** by Senator Marrero.

Criminal Procedure -- As introduced, adds as an advisory enhancement factor to sentencing that defendant intentionally chose victim of crime based on gender identity or expression. Amends TCA Section 40-35-114.

**Senate Bill No. 315** by Senator Johnson.

Special License Plates -- As introduced, creates new specialty license plate for the Harpeth River Watershed Association; allocates funds from the sale of the plates to protection of the Harpeth River and clean water in Tennessee. Amends TCA Title 55, Chapter 4.

**Senate Bill No. 316** by Senator Ketron.

Wine & Wineries -- As introduced, creates an additional class of licenses allowing the sale of wine at certain retail food stores; requires person purchasing wine at certain retail food stores to present photo identification. Amends TCA Title 57, Chapter 1 and Title 57, Chapter 3.

**Senate Bill No. 317** by Senator Ketron.

Wine & Wineries -- As introduced, allows sale of wine in retail food stores where sales of alcoholic beverages for on premises consumption has been approved but does not allow sale of wine in retail food stores where sales of alcoholic beverages in retail package stores has been approved. Amends TCA Title 57, Chapter 1 and Title 57, Chapter 3.

**Senate Bill No. 318** by Senator Ketron.

Wine & Wineries -- As introduced, allows local jurisdictions to hold a referendum concerning the sale of wine in retail food stores; creates license for sale of wine in retail food stores. Amends TCA Title 57, Chapter 1 and Title 57, Chapter 3.

**Senate Bill No. 319** by Senator Ketron.

Wine & Wineries -- As introduced, creates an additional class of licenses allowing the sale of wine at certain retail food stores; requires person purchasing wine at certain retail food stores to present photo identification. Amends TCA Title 57.

**Senate Bill No. 320** by Senator Ketron.

Alcoholic Beverages -- As introduced, allows retail package stores to sell ice, soft drinks, mixes, glassware and corkscrews in addition to alcoholic beverages. Amends TCA Title 57, Chapter 1 and Title 57, Chapter 3.

**Senate Bill No. 321** by Senator Ketron.

Alcoholic Beverage Commission -- As introduced, requires commission to implement new licensing structure for restaurants and limited service restaurants based on liability insurance codes. Amends TCA Title 57, Chapter 4.

**Senate Bill No. 322** by Senator Ketron.

Alcoholic Beverages -- As introduced, allows sale of wine in retail food stores where sales of alcoholic beverages for on-premises consumption has been approved but does not allow sale of wine in retail food stores where sales of alcoholic beverages in retail package stores has been approved. Amends TCA Title 57.

## **MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

### **Senate Bill No. 323** by Senators Ketron and Gresham.

Pensions and Retirement Benefits -- As introduced, redefines "average final compensation" to cap such amount at the salary of a Class 1 official for persons in the Tennessee consolidated retirement system. Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37.

### **Senate Bill No. 324** by Senator Watson.

Drugs, Prescription -- As introduced, creates a medication monitoring process to ensure the safety of certain drug therapies. Amends TCA Title 53, Chapter 10.

### **Senate Bill No. 325** by Senators Beavers, Ketron, Yager, Bell, Johnson and Woodson.

Drugs, Over the Counter -- As introduced, requires pharmacies and pharmacy personnel to use a national record keeping system to log certain drug sales and changes the rate at which an individual may buy methamphetamine precursors. Amends TCA Section 39-17-431.

### **Senate Bill No. 326** by Senator Beavers.

Health Care -- As introduced, enacts the Health Care Compact. Amends TCA Title 4; Title 33; Title 63; Title 68 and Title 71.

### **Senate Bill No. 327** by Senator Gresham.

Flags -- As introduced, requires P.O.W.-M.I.A. flags be flown between the United States flag and the Tennessee state flag at state welcome centers. Amends TCA Title 15, Chapter 2, Part 1 and Title 58, Chapter 4, Part 3.

### **Senate Bill No. 328** by Senator Berke.

Public Utilities -- As introduced, prohibits any public utility from collecting outstanding underpaid fees resulting from an error by the public utility's employee or agent beyond six months from date of erroneous bill. Amends TCA Title 7, Chapter 34; Title 7, Chapter 82; Title 28, Chapter 3, Part 3; Title 65 and Title 68, Chapter 221, Part 2.

### **Senate Bill No. 329** by Senator Stewart.

Controlled Substances -- As introduced, adds six chemical derivatives of the Schedule 1 controlled substance methcathinone as Schedule 1 drugs. Amends TCA Title 39, Chapter 17, Part 4.

### **Senate Bill No. 330** by Senators Summerville and Gresham.

Education, Higher -- As introduced, requires public institutions of higher education to give equal access to any domestic professional educators' organization if access to students in teacher training programs is granted to any other professional educators' organization. Amends TCA Title 49, Chapter 5; Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

### **Senate Bill No. 331** by Senator Henry.

Taxes, Gasoline, Petroleum Products -- As introduced, requires Commissioner of TDOT to provide status report on certain highway projects to the chairmen of the Transportation Committees of the House and Senate by November 1, 2011. Amends TCA Title 67, Chapter 3.

### **Senate Bill No. 332** by Senator Burks.

Controlled Substances -- As introduced, makes materials containing any quantity of ephedrine or pseudoephedrine a Schedule III controlled substance and exempts immediate methamphetamine precursors if they are not in form that can be used in manufacture of methamphetamine. Amends TCA Title 38; Title 39 and Title 40.



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### **Senate Bill No. 333** by Senator Burks.

Education -- As introduced, provides for re-establishment of elected office of school superintendent for counties or cities upon two-thirds vote of governing body; any such ordinance or resolution once approved is not operative until approved in an election; provides for qualifications of candidates. Amends TCA Section 49-2-203 and Title 49, Chapter 2, Part 3.

### **Senate Bill No. 334** by Senator Burks.

Highway Signs -- As introduced, designates bridge on State Route 295 in Pickett County as "James 'Jim' Harrison South Memorial Bridge".

### **Senate Bill No. 335** by Senator Haile.

Pharmacy, Pharmacists -- As introduced, enacts the "Tennessee Medication Therapy Monitoring and Management Act of 2011". Amends TCA Title 53.

### **Senate Bill No. 336** by Senator Gresham.

University of Tennessee -- As introduced, authorizes the University of Tennessee to enter into certain agreements with foundations that support the university. Amends TCA Title 49, Chapter 9, Part 1.

### **Senate Bill No. 337** by Senators Summerville, McNally and Marrero.

Recycling -- As introduced, enacts the "Tennessee Beverage Container Recycling Refunds Act", whereby certain procedures, processes, and fees are described for the recycling of waste; creates a deposit system for the recycling of certain beverage containers. Amends TCA Title 68, Chapter 211 and Chapter 616 of the Public Acts of 2010.

### **Senate Bill No. 338** by Senator Haile.

Taxes, Sales -- As introduced, exempts the diabetic supplies of blood glucose monitor test strips, lancets and visual reading and urine test strips from the sales and use tax. Amends TCA Title 56 and Title 67, Chapter 6, Part 3.

### **Senate Bill No. 339** by Senator Haile.

Livestock -- As introduced, limits liability of a bovine owner for injuries, loss, damage or death of another resulting from bovine activities if the bovine owner maintains proper warning notice on signs, and maintains proper fences and enclosures. Amends TCA Title 29; Title 43 and Title 44.

### **Senate Bill No. 340** by Senator Watson.

Sunset Laws -- As introduced, combines regional community services agencies into one state agency; extends the state community services agency, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 5, Part 3.

### **Senate Bill No. 341** by Senator Overbey.

Judges and Chancellors -- As introduced, requires the TBI to complete background investigations on the panel of nominees for a vacant appellate court judgeship within 90 days of being directed to do so by the governor. Amends TCA Title 2; Title 4; Title 16 and Title 17.

### **Senate Bill No. 342** by Senator Overbey.

Taxes, Inheritance Gift -- As introduced, eliminates distinction between Class A and Class B donees for gift tax purposes; increases gift tax exemption by linking Tennessee to federal exemption level. Amends TCA Title 67, Chapter 8, Part 1.

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### **Senate Bill No. 343** by Senator Overbey.

DUI Offenses -- As introduced, increases the minimum time that a driver license may be revoked for third and fourth and subsequent DUI convictions from three and five years to six and eight years. Amends TCA Title 55, Chapter 10, Part 4.

### **Senate Bill No. 344** by Senator Overbey.

Nurses, Nursing -- As introduced, revises terms practical nurse and advanced practice nurse to advance practice registered nurse. Amends TCA Title 49; Title 53; Title 56; Title 63 and Title 71.

### **Senate Bill No. 345** by Senator Overbey.

Basic Education Program (BEP) -- As introduced, requires the director of legislative budget analysis to report to the Speakers of the House of Representatives and the Senate and to the House and Senate Education Committees if the Commissioner of Education fails to provide the director with the revised BEP funding formula for the ensuing fiscal year by January 1. Amends TCA Title 3; Title 4; Title 8; Title 37 and Title 49.

### **Senate Bill No. 346** by Senator Haynes.

Zoning -- As introduced, includes multifamily residential developments among establishments affected by non-conforming use exemptions and restrictions in municipal zoning regulations; changes from 30 continuous months of cessation of operation by a facility during which non-conforming use exemption expires to continuous period of between 12 and 30 months as established by zoning ordinance. Amends TCA Section 13-7-208.

### **Senate Bill No. 347** by Senator Haynes.

Annexation -- As introduced, deletes provision permitting municipalities to provide extraterritorial zoning and subdivision regulation beyond their corporate limits with the approval of county legislative body in counties without zoning. Amends TCA Section 6-58-106.

### **Senate Bill No. 348** by Senator Haynes.

Campaigns and Campaign Finance -- As introduced, limits the amount of money that a multicandidate political campaign committee can contribute to candidates and other multicandidate political campaign committees excluding party and caucus PACs; requires multicandidate political campaign committee to certify names and addresses of persons making decisions about the committee's contributions and expenditures. Amends TCA Title 2, Chapter 10.

### **Senate Bill No. 349** by Senator Haynes.

Clerks, Court -- As introduced, requires clerk to accept cost bond signed by attorney in lieu of party paying fees or clerk must forfeit all costs. Amends TCA Title 8, Chapter 21, Part 4 and Title 25, Chapter 1, Part 1.

### **Senate Bill No. 350** by Senator Beavers.

Criminal Procedure -- As introduced, provides that a defendant in a criminal case has the right to have a person act as court reporter and make a verbatim recording of all proceedings in open court. Amends TCA Title 20, Chapter 9 and Title 40, Chapter 14.

### **Senate Bill No. 351** by Senator Haile.

Pharmacy, Pharmacists -- As introduced, revises requirements on pharmacists in issuing certain methamphetamine precursors. Amends TCA Section 39-17-431.

**MOTION**

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 46 through 86** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

**Senate Bill No. 46** referred to the Committee on Education.

**Senate Bill No. 47** referred to the Committee on Judiciary.

**Senate Bill No. 48** referred to the Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 49** referred to the Committee on Education.

**Senate Bill No. 50** referred to the Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 51** referred to the Committee on Judiciary.

**Senate Bill No. 52** referred to the Committee on Judiciary.

**Senate Bill No. 53** referred to the Committee on Judiciary.

**Senate Bill No. 54** referred to the Committee on Transportation.

**Senate Bill No. 55** referred to the Committee on State and Local Government.

**Senate Bill No. 56** referred to the Committee on Judiciary.

**Senate Bill No. 57** referred to the Committee on Transportation.

**Senate Bill No. 58** referred to the Committee on Transportation.

**Senate Bill No. 59** referred to the Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 60** referred to the Committee on Transportation.

**Senate Bill No. 61** referred to the Committee on Education.

**Senate Bill No. 62** referred to the Committee on State and Local Government.

**Senate Bill No. 63** referred to the Committee on Transportation.

**Senate Bill No. 64** referred to the Committee on Judiciary.

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**Senate Bill No. 65** referred to the Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 66** referred to the Committee on Transportation.

**Senate Bill No. 67** referred to the Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 68** referred to the Committee on State and Local Government.

**Senate Bill No. 69** referred to the Committee on Judiciary.

**Senate Bill No. 70** referred to the Committee on Judiciary.

**Senate Bill No. 71** referred to the Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 72** referred to the Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 73** referred to the Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 74** referred to the Committee on Transportation.

**Senate Bill No. 75** referred to the Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 76** referred to the Committee on Judiciary.

**Senate Bill No. 77** referred to the Committee on Education.

**Senate Bill No. 78** referred to the Committee on State and Local Government.

**Senate Bill No. 79** referred to the Committee on Commerce, Labor and Agriculture.

**Senate Bill No. 80** referred to the Committee on Transportation.

**Senate Bill No. 81** referred to the Committee on State and Local Government.

**Senate Bill No. 82** referred to the Committee on Judiciary.

**Senate Bill No. 83** referred to the Committee on General Welfare, Health and Human Resources.

**Senate Bill No. 84** referred to the Committee on Government Operations.

**Senate Bill No. 85** referred to the Committee on Judiciary.

**Senate Bill No. 86** referred to the Committee on Judiciary.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 25 through 43** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 25** by Senator Norris.

Budget Procedures -- Authorizes transmittal of the state budget document for fiscal year 2011-2012 by Monday, March 14, 2011; authorizes filing of budget legislation by Monday, March 21, 2011.

**Senate Joint Resolution No. 26** by Senator Kyle.

Memorials, Retirement -- LaVonne Dennis Thomas.

**Senate Joint Resolution No. 27** by Senator Kyle.

Memorials, Retirement -- Daphyne Smith.

**Senate Joint Resolution No. 28** by Senator Southerland.

Memorials, Recognition -- St. James Lutheran Church, 200th anniversary.

**Senate Joint Resolution No. 29** by Senators Haile, Ketron and Bell.

Memorials, Recognition -- Logan Vincent Johnson, Sumner County's First Baby of 2011.

**Senate Joint Resolution No. 30** by Senator Ketron.

General Assembly, Directed Studies -- Directs planning concerning composting food waste and paper, and recycling construction waste.

**Senate Joint Resolution No. 31** by Senator Ketron.

Memorials, Sports -- Columbia Central High School, 2010 TSSAA Class 5A Champions.

**Senate Joint Resolution No. 32** by Senator Ketron.

Constitutional Amendments -- Makes application for an amendments convention under Article V of the federal constitution to consider an amendment to the federal constitution requiring a majority of the legislatures of the separate states to approve an increase in the federal debt.

**Senate Joint Resolution No. 33** by Senator Henry.

Memorials, Retirement -- Ray Barrett, Davidson County Administrator of Elections.

**Senate Joint Resolution No. 34** by Senator Henry.

Memorials, Death -- Frederick William Rawlins.

**Senate Joint Resolution No. 35** by Senator Henry.

Memorials, Death -- Allan Sidney Curtis.

**Senate Joint Resolution No. 36** by Senator Berke.

Memorials, Death -- David Austin Kirk.

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### **Senate Joint Resolution No. 37** by Senator Berke.

Constitutional Amendments -- Proposes statewide popular election of the lieutenant governor, attorney general and reporter, and secretary of state.

### **Senate Joint Resolution No. 38** by Senator Bell.

Constitutional Amendments -- Provides for the direct popular election of the state attorney general.

### **Senate Joint Resolution No. 39** by Senator Crowe.

Memorials, Death -- William R. Darden, Sr.

### **Senate Joint Resolution No. 40** by Senator Crowe.

Memorials, Death -- Gaynell P. Whitton.

### **Senate Joint Resolution No. 41** by Senator Berke.

Memorials, Retirement -- Reverend Marvin Thomas Billingsley.

### **Senate Joint Resolution No. 42** by Senator Berke.

Memorials, Recognition -- Pastor Gerry W. Davis.

### **Senate Joint Resolution No. 43** by Senator Overbey.

Memorials, Sports -- Alcoa High School football team seventh consecutive State Championship, Head Coach Gary Rankin named 2010 Titans High School Football Coach of the Year.

## **MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 6 and 7**; and **Senate Joint Resolutions Nos. 21 through 24** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

## **RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 6** -- Memorials, Retirement -- Police Chief Jackie Moore, City of Franklin.

The Speaker announced that he had referred House Joint Resolution No. 6 to the Committee on Calendar.

**House Joint Resolution No. 7** -- Memorials, Sports -- Station Hill Pee Wee Coyotes, 2010 Rocky Top Youth Football Classic 6U Champions.

The Speaker announced that he had referred House Joint Resolution No. 7 to the Committee on Calendar.

**Senate Joint Resolution No. 21** -- Constitutional Amendments -- As introduced, proposes an amendment to Article VII of the Tennessee Constitution in order to move the election of county officers from August to November.

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The Speaker announced that he had referred Senate Joint Resolution No. 21 to the Committee on Judiciary.

**Senate Joint Resolution No. 22** -- Memorials, Sports -- Greeneville High School football team, TSSAA Class 4A State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 22 to the Committee on Calendar.

**Senate Joint Resolution No. 23** -- Attorney General and Reporter -- Proposes a constitutional amendment to provide for the popular election of the attorney general and reporter for the state.

The Speaker announced that he had referred Senate Joint Resolution No. 23 to the Committee on Judiciary.

**Senate Joint Resolution No. 24** -- Memorials, Sports -- Team Cherokee of the Scholastic Clay Target Program of Kingsport.

The Speaker announced that he had referred Senate Joint Resolution No. 24 to the Committee on Calendar.

### **NOTICES**

#### **DEPARTMENT OF HUMAN SERVICES ANNUAL REPORT ON BLOCK GRANTS**

The report was filed and received by the Clerk.

#### **TENNESSEE'S INDIGENT DEFENSE FUND**

The report was filed and received by the Clerk.

#### **DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

The report was filed and received by the Clerk.

#### **REGULATORY RELIEF TASK FORCE**

The report was filed and received by the Clerk.

### **CONSENT CALENDAR**

**House Joint Resolution No. 4** -- Memorials, Personal Achievement -- James Milam, Jr., Eagle Scout.

**House Joint Resolution No. 5** -- Memorials, Recognition -- Mount Pleasant United Methodist Church, 160th anniversary.

**House Joint Resolution No. 8** -- Memorials, Sports -- Maryville High School football team, Class 6A State Championship.

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**House Joint Resolution No. 9** -- Memorials, Sports -- Kendall Martindale, 2010 TSSAA Class AAA Girls Golf State Champion.

**House Joint Resolution No. 11** -- Memorials, Personal Achievement -- Soddy Daisy High School JROTC, first in Junior Leadership Symposium.

**House Joint Resolution No. 12** -- Memorials, Retirement -- Dr. Mary Barker.

**Senate Joint Resolution No. 1** -- Memorials, Retirement -- Colonel Mike Walker, Tennessee Highway Patrol.

**Senate Joint Resolution No. 2** -- Memorials, Death -- Monsignor George Rohling.

**Senate Joint Resolution No. 3** -- Memorials, Death -- Wayne Whitt.

**Senate Joint Resolution No. 4** -- Memorials, Public Service -- Dave Goetz, Commissioner of Finance and Administration.

**Senate Joint Resolution No. 5** -- Memorials, Death -- James Foster Neal.

**Senate Joint Resolution No. 6** -- Memorials, Recognition -- Nashville Public Library, 2010 National Medal for Museum and Library Services.

**Senate Joint Resolution No. 7** -- Memorials, Death -- James Ivan Potts.

**Senate Joint Resolution No. 11** -- Memorials, Death -- Roy Skinner.

**Senate Joint Resolution No. 14** -- Memorials, Professional Achievement -- Dr. Cheryl Deaton, Tennessee Teacher of the Year.

**Senate Joint Resolution No. 19** -- Memorials, Sports -- Volunteer High School marching band winning four first place trophies at the Outback Bowl 2011.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Haile, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 25** -- Local Education Agencies -- As introduced, prescribes certain procedures to govern the abolition of certain special school districts. Amends TCA Title 49, Chapter 2.



Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-502, is amended by designating the current language as subsection (a) and by adding the following new language as subsection (b):

(b)(1) Notwithstanding the provisions of subsection (a) or any other law to the contrary, **if** the proposed transfer of the administration of the schools in the special school district to the county board of education would result in an increase in student enrollment within the county school system of one hundred percent (100%) or more, **and if** a majority of the voters who cast votes in the referendum vote in favor of the transfer; **then** a comprehensive transition plan shall be developed, **and** the transfer shall take effect at the beginning of the third, full school year immediately following certification of the election results.

(2) The comprehensive transition plan shall be developed by a transition planning commission. The transition plan shall consider and provide for each of the matters set forth in § 49-2-1201(i) and § 49-2-1204. Prior to its implementation, the transition plan shall be submitted to the department of education for review and comments. The transition planning commission shall consist of twenty-one (21) members, as follows:

(A) The county mayor, the chair of the county board of education and the chair of the board of education of the special school district shall serve as ex officio members of the commission;

(B) The county mayor, the chair of the county board of education and the chair of the board of education of the special school district shall each appoint five (5) competent citizens to serve as members of the transition planning commission; and

(C) The governor, the Speaker of the Senate and the Speaker of the House of Representatives shall jointly appoint three (3) competent citizens to also serve as members of the transition commission.

(3) From and after the effective date of the transfer of the administration of the schools in the special school district to the county board of education, the restrictions imposed on the creation of municipal school districts, in § 6-58-112(b), and special school districts, in § 49-2-501(b)(3), shall no longer apply in such county.

SECTION 2. This act shall take effect on becoming law, the public welfare requiring it, and shall apply to any proposed § 49-2-502 transfer pending on or after such date.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 25**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	20
Noes . . . . .	10
Present, not voting . . .	3

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Haile, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Berke, Burks, Finney, Ford, Harper, Haynes, Kyle, Marrero, Stewart and Tate--10.

Senators present and not voting were: Barnes, Henry and Herron--3.

A motion to reconsider was tabled.

**STATEMENT OF SENATOR MARK NORRIS  
PURSUANT TO RULE 61  
February 7, 2011**

TCA § 49-2-502 concerns the transfer of administration of a special school district from the special district to the county in which the special district has operated.

The need for an amendment arises out of the fact that the Attorney General has recently acknowledged that Section 502 is vague as written. The Commissioner of Education testified last Thursday that "it's an anomaly in the sense that this special school district law....didn't set out a clear process for how (the transfer) would be effective."

Although Section 502 has been on the books since 1948, we have found no instance where it has ever been used until now.

Consisting of only three sentences, vaguely written, the anomalous Section 502 has now been invoked by the board of the state's largest special district to consolidate the Memphis District and the Shelby County District by transferring administration of the Memphis District on March 8, 2011 – 30 days from tomorrow.

Unlike other provisions of the Tennessee Education Code enacted after Section 502 was adopted, 502 gives no guidance as to how such a transfer, if approved by a majority of those voting in a referendum to determine whether the transfer shall take place, in fact takes place in such a way as to provide a unified and balanced county education system, as required by § 49-2-1002(d), and which protects the rights of teachers as required by § 49-5-203.

The Commissioner of Education agrees. The proposed transfer by the Memphis Special District, if approved by a majority of those voting in the referendum, cannot be approved in the absence of a proper plan. In the absence of a proper plan, funding may be withheld. The State of Tennessee funds Memphis and Shelby County Schools in the amount of \$630,515,086 million per year.

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Not only does the State, therefore, have a compelling interest in assuring that the administration of its schools is properly discharged, but the schools themselves have a duty to properly plan for such administration, including the proposed transfer thereof, in all cases.

Commissioner Smith wrote a letter on February 1 referring to TCA §§ 49-2-1201 through 1208 of current law for guidance as to how such proposed transfers may be planned and, if approved by the voters, implemented. Under present law, Sections 1201 through 1208 are not expressly applicable to a 502 transfer. Nor are they expressly inapplicable. But they have a common purpose and are related to the same subject matter and must be construed together to advance the common purpose or intent to provide a unified and balanced county education system. They insure an "orderly procedure for effecting a transition of the magnitude contemplated in Shelby County."

The bill we are here to address makes those provisions applicable where, as here, the transfer proposed without any plan would more than double the size of the student body resulting from the transfer.

To do otherwise threatens that unity and balance. It defies common sense, and common decency.

This is a general bill. Not specific to Shelby County alone, but wherever any special district attempts to transfer administration under 502, the result of which would increase the student population by more than 100%.

That is what is proposed in Shelby County. In this case, Shelby County School system has approximately 47,000 students. Memphis City has approximately 103,000. The transfer of, if approved, results in one of the largest school systems in the South. The 16th largest in the United States with a total of 150,935 students, 10,025 teachers, and 647 administrators. More people than the population of most towns in Tennessee.

There has never been a 502 transfer in Tennessee.

Given the magnitude of this undertaking and the potential consequences of it upon tens of thousands of Tennesseans, the rationale of Senate Bill No. 25 is compelling. To provide a roadmap to a plan for unity, balance and transition which, if approved by those affected, best assures a quality education, stable tax base, and productive environment.

This is not an effort by the General Assembly to block or delay the scheduled referendum. The City Council may dissolve the Memphis Special District before her own citizens even have the opportunity to vote. It will be them, not us, depriving citizens their rights of self-determination.

Those who are critical of what they perceive to be some sort of disparate treatment are misguided. Of all the consolidations in state history, none has ever been effected under Section 502.

We do not endeavor to treat the Memphis schools differently. It is the Board of the Memphis City Schools Special District which sought special treatment. But the precipitous decision of a handful of individuals to invoke an obscure statutory provision in this fashion is a shortcut which, if not addressed, threatens to shortchange more that just her schools.

We are not changing rules in the middle of the game. You chose a game for which there were no rules. This is not a game. Our citizens, our children, deserve better.

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All we have ever sought is an orderly and thoughtful plan. Unification without unity defeats its purpose. If it is unification you desire, unity is preferred.

In closing, I quote from an article by the Commercial Appeal's Bureau Chief, in which the Mayor of Memphis today A.C. Wharton himself was quoted. He said, "Rushing consolidation would divide city and county residents." He said, "We cannot have a shotgun marriage of these school systems." He said, "Such a marriage won't work."

### **MOTION**

Senator Gresham moved that Rule 83(8) be suspended for the purpose of allowing the Tennessee University Faculty Senates and the American Association of University Professors to make a presentation to the Committee on Education for Wednesday, February 9, 2011, which motion prevailed.

### **MOTION**

Senator Barnes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 33**, out of order, which motion prevailed.

### **RESOLUTION LYING OVER**

**House Joint Resolution No. 33** -- Memorials, Recognition -- Coach Davey L. Whitney.

On motion of Senator Barnes, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 33** was concurred in.

A motion to reconsider was tabled.

### **MOTION**

Senator Haile moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 37**, out of order, which motion prevailed.

### **RESOLUTION LYING OVER**

**House Joint Resolution No. 37** -- Memorials, Recognition -- Pastor Maury Davis.

On motion of Senator Haile, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 37** was concurred in.

A motion to reconsider was tabled.

### **RECALL OF BILL**

On motion of Senator Bell, **Senate Bill No. 284** was recalled from the Clerk's desk.

### **WITHDRAWAL OF BILL**

On motion of Senator Bell, Senate Bill No. 284 was withdrawn from the Senate.

**MOTION**

On motion of Senator Haile, his name was added as sponsor of **House Joint Resolutions Nos. 4 and 5.**

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolution No. 8.**

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolution No. 9.**

On motion of Senator Watson, his name was added as sponsor of **House Joint Resolutions Nos. 11 and 12.**

On motion of Senators Haynes, Harper and Kyle, their names were added as sponsors of **Senate Joint Resolutions Nos. 2, 3 and 6.**

On motion of Senators Berke, Haynes, Harper, Faulk, Overbey and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 5.**

On motion of Senators Berke, Haynes, Harper, Herron and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 11.**

On motion of Senators Kelsey and Ketron, their names were added as sponsors of **Senate Bill No. 113.**

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 33.**

On motion of Senator Woodson, her name was added as sponsor of **Senate Bill No. 27.**

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 39.**

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 33.**

On motion of Senator Haile and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 37.**

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 1 and 4.**

**ENGROSSED BILLS**

February 7, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 25; and Senate Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 11, 14 and 19; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

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**MESSAGE FROM THE HOUSE**

February 7, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 33 and 37, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

February 7, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 40, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

January 18, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 9, 10, 12, 15 and 17; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

February 8, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 4, 5, 8, 9, 11, 12, 33 and 37; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

January 18, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 9, 10, 12, 15 and 17.

**SIGNED**

January 20, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1, 2, 3 and 13.

**SIGNED**

February 8, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 4, 5, 8, 9, 11, 12, 33 and 37.

**MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

January 19, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 9, 10, 12, 15 and 17; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

January 19, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 9, 10, 12, 15 and 17; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

January 24, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 9, 10, 12, 15 and 17; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bill on the calendar for Monday, February 7, 2011: Senate Bill No. 25.

This the 3rd day of February, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 7, 2011: House Joint Resolutions Nos. 4, 5, 8, 9, 11 and 12; and Senate Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7, 11, 14 and 19.

This the 3rd day of February, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 10, 2011: House Joint Resolutions Nos. 6 and 7; and Senate Joint Resolutions Nos. 22 and 24.

This the 8th day of February, 2011.  
MIKE FAULK, Chairperson.

**MONDAY, FEBRUARY 7, 2011 -- 2ND LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 10, 2011: Senate Bills Nos. 27 and 34.

This the 8th day of February, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bill on the calendar for Thursday, February 10, 2011: Senate Bill No. 16.

This the 8th day of February, 2011.  
MIKE FAULK, Chairperson.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, February 9, 2011, which motion prevailed.